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Court Voids Spy Act's Death-Penalty Clause

SAN FRANCISCO, April 3 (AP)—The 9th U.S. Circuit Court of Appeals today threw out the death-penalty provision of the Espionage Act, declaring it unconstitutional in the case of an engineer accused of selling defense secrets to Soviet-bloc nations.

The first-of-its-kind ruling had support from both the accused, James Harper, and the government. It directed U.S. District Court Judge Samuel Conti to set aside a pretrial order declaring that Harper could get the death penalty if convicted of espionage.

The appeals court said that the Espionage Act contains no guidelines governing whether the death penalty should be imposed. The Constitution requires such legislative guidelines in death-penalty cases, the court said.

The court said that Conti erred in deciding that the law gives district courts the authority to establish and apply the needed guidelines. The Supreme Court has ruled that Congress must establish the standards.